

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENISE MILLER and JAMES THOMAS
BRYANT,

Plaintiffs,

Case No. 2:11-cv-13088

v.

Hon. George Caram Steeh

AMY McMILLAN, Individually and In Her
Official Capacity as Director of Genesee
County Parks; and GREG PARKS, Individually
and in His Official Capacity as Chief Ranger
of Genesee County Parks,

Defendants.

STIPULATED ORDER

On July 18, 2011, Plaintiffs filed this action challenging the constitutionality of various alleged restrictions on petitioning within the Genesee County Parks. Based on the agreement of the parties, a temporary restraining order is hereby entered pursuant to Fed. R. Civ. P. 65(b) on the following terms:

1. Defendants are enjoined from requiring petition circulators to seek a permit as a condition of collecting petition signatures in the Genesee County Parks;
2. Defendants are enjoined from restricting petition circulators to designated "Freedom of Speech Areas" within the Genesee County Parks;
3. Subject to paragraph 4 below, Defendants are enjoined from barring petition circulation within areas of the Genesee County Parks open to the general public, during any time the parks are open;
4. Defendants in their official capacities may implement practices to prevent petition circulation in the following areas:
 - a. Vehicular roads or within ten feet of parking lots;
 - b. On or adjacent to steps;

- c. An area that is being used by a private group under a reservation (e.g., a pavilion), unless consented to by a representative of the group;
 - d. An area that is being used for a private ceremonial function (e.g., a wedding), unless consented to by a representative of the group;
 - e. Mounds Off-Road Vehicle Area, Elba Equestrian Complex, Goldenrod Disc Golf Course, Richfield BMX Track, or canoe or boat launches (except that this provision shall not bar petition circulation on public land surrounding these areas);
 - f. The Genesee Belle boat;
 - g. Huckleberry Railroad; and
 - h. Enclosed buildings.
5. Defendants in their official capacities may implement practices prohibiting tables, chairs or other obstructions on walkways and barring petition circulators from obstructing the free passage of persons on walkways.
6. Defendants in their official capacities may implement the following practices regarding signs:
- a. Signs should be within the petition circulator's sight, unless attached to the circulator's vehicle;
 - b. Signs will not be allowed on buildings, trees, poles, or fences;
 - c. Circulators should take reasonable precautions to avoid injury to anyone from stakes or other parts of a sign assembly; and
 - d. Signs must be removed when the circulator leaves.
7. Defendants in their official capacities may enforce general park rules regarding the conduct of park visitors, such as no assaultive conduct, no parking in places other than designated areas, no intoxication, no littering and the like, so long as Defendants do not selectively enforce those rules against petition circulators. Circulators are subject to any Park admission fees charged to the general public.
8. This order expires in 14 days unless it is extended pursuant to Fed. R. Civ. P. 65(b)(2).
9. Neither stipulation to nor entry of this order constitutes any admission or determination that any Defendant has violated any right of either Plaintiff.

Pursuant to Fed. R. Civ. P. 65(d)(2), this order is binding on the parties, the parties' agents and employees and other persons who are in active concert or participation with them.

It is so ordered.

s/George Caram Steeh
Hon. George Caram Steeh
U.S. District Court Judge

Dated: 7/22/2011

The parties consent to the filing of this order:

/s/ Daniel S. Korobkin
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Attorneys for Plaintiffs

Dated: July 22, 2011

/s/ with consent of Celeste D. Bell
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Dated: July 22, 2011